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1836 Arkansas Constitution

Arkansas Constitutional Convention

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Constitution of Arkansas.

We the people of the Territory of Arkansas by our Representatives in Convention Assembled at Little Rock on the twenty-first day of January A.D. 1836, and of the Independence of the United States the sixtieth year, during the right of admission into the Union as one of the United States of America, consistent with the Federal Constitution, and by virtue of the Treaty of Cession by France to the United States of the Province of Louisiana, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property and the freedom of religion, do mutually agree with each other to form ourselves into a free and independent State by the name and style of the "State of Arkansas", and to adopt and establish the following Constitution for the Government thereof.

Article I.

of Boundaries.

We declare and establish, fully and conformably following, the permanent boundaries of said State of Arkansas. That is to say, All ground in the middle of the main channel of the Mississippi River on the parallel of thirty-six degrees North latitude, running from the corner of Missouri, with the said parallel of latitude, to the St. Francis river; thence to the middle of the main channel of said river to the parallel of thirty degrees thirty minutes west, from thence west to the south west corner of the State of Missouri, and from thence to be bounded on the west to the north bank of Red river, as by acts of Congress and Treaties heretofore defining the Western limits of the territory of Arkansas and to be bounded on the south side of Red river by the Mexican boundary line to the Northwest corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi river, thence to the thirty-six degrees of North latitude, the point of beginning.

Article II.

Declaration of Rights.

Sec. 1. That all men are endowed by their Creator with certain unalienable rights among which are those of enjoying and defending life and liberty, of acquiring, possessing and, protecting property and reputation, and of pursuing their own happiness.

Sec. 2. That all power is inherent in the people, and that Governments are founded in their authority and instituted for their peace, safety and the happiness. For the advancement of these ends, they have at all times an unqualified right to alter, reform or abolish their Government in such manner as they may judge proper.

Sec. 3. That all men have natural and inalienable rights to life, liberty, Almighty God according to the dictates of their own consciences, and no man can lawfully be compelled to attend, erect or support any place of worship or to maintain any Ministry against his consent; that no human authority can in any case whatever interfere with the rights of conscience; and that no preference shall ever be given to any Religion over others or mode of worship.

Sec. 4. No civil rights, property or capacities of any citizen shall in any case be diminished or enlarged on account of his Religious profession.

Sec. 5. That all elections shall be free and equal.

Sec. 6. That the right of trial by jury shall remain inviolate.

Sec. 7. That hunting, fishing and trapping every person and no law shall ever be made to restrain these rights. The free communication of intelligence between citizens is one of the natural rights of man; that every citizen may, under law, speak, write, and print, on any subject, being responsible for the abuse of that right.

- Sec. 8. In prosecutions for the publication of, or for investigating the official conduct of officers or men in public capacity, or when the truth shall become known for public information to tried, they may give in evidence against all individuals for whom the jury shall have the right to determine the law and the facts.
- Sec. 9. That the People shall be secure in their persons, houses, papers and effects, from unreasonable searches and seizures; and that general warrants whereby any officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, or where the offense is not particularly described, and supported by evidence, are dangerous to liberty and shall not be granted.
- Sec. 10. That no free man shall be taken or imprisoned or disabled of his freehold liberties or privileges, or outlawed or exiled, or in any manner disfranchised, except by the judgment of his peers or the law of the land.
- Sec. 11. That in all criminal prosecutions he accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for claiming witness in his favor; and in prosecutions by indictment or presentment a speedy public trial by an impartial jury of the County or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.
- Sec. 12. That no person shall for the same offence be twice, put in jeopardy of life or limb.
- Sec. 13. That all penalties shall be reasonable and proportioned to the nature of the offence.
- Sec. 14. That no man shall be subject to any criminal charge but by presentment, indictment or impeachment.
- Sec. 15. That no conviction shall work corruption of blood or forfeiture of estate.
- Sec. 16. That all persons shall be liable by sufficient securities to be paid in capital offences when the proof is evident or the presumption preponderant; and that the privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.
- Sec. 17. That excessive bail shall not be required, nor excessive fines imposed.
- Sec. 18. That no Ex post facto law nor any law impairing the obligation of Contracts shall ever be made.
- Sec. 19. That monopolies and franchises are contrary to the genius of a Republic and shall not be allowed; nor shall any hereditary endowment, prerogative or honors ever be granted, or confirmed in this state.
- Sec. 20. That the Citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their Representatives and to apply to them, invested with the power of Government, for redress of grievances or other proper purposes by address or remonstrance.
- Sec. 21. That the free white men of this State shall have a right to keep and to bear arms for their common defense.
- Sec. 22. That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.
- Sec. 23. The Military shall be subject in strict subordination to the Civil power.
- Sec. 24. This enumeration of rights shall not be construed to deny or disparage others retained by the people; And to guard against any encroachments on the rights herein retained, or any claim of right of any of the higher powers herein delegated, we declare, that every thing in this Article excepted out of the general terms of Government, and not herein remain inviolate, And that all laws contrary thereto, or to the other provisions herein contained, shall be void.

Article III.

- Sec. 1. The powers of the Government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a

A general Levy of Taxes, to be made there which are levied upon the land which are levied by another, and those which are levied by another.

Sec 2. A new or collection of taxes being one of these departments shall be given my power to collect the same, the other departments being under the control of the Legislature.

Article IV.

Sec 1. The Legislative power of this State shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Qualification of Electors.

Sec 2. Every free white male citizen of the United States who shall have attained the age of Twenty one years, and who shall have been a Citizen of this State six months shall be deemed a qualified elector and entitled to vote in the County or district in which he actually resides for each and every election made either under this State or under the United States. Provided that no citizen Seaman or Mariner on the高 seas of the United States shall be entitled to vote at any election so held in this State.

Term of Continuance of Representatives.

Sec 3. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several Counties.

Qualification of a Representative.

Sec 4. No person shall be a member of the House of Representatives who shall not be a free white male citizen of the United States who shall not have been an inhabitant of this State one year; and who shall not at the time of his election have an actual residence in the County he may be chosen to represent.

Qualification of a Senator.

Sec 5. The Senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

Sec 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this State one year, and who shall not at the time of his election have an actual residence in the District he may be chosen to represent.

Meeting of the General Assembly.

Sec 7. The General Assembly shall meet every two years on the first Monday of November of the year of the seal of government, until altered by law.

The mode of Election and time and Privileges of Electors.

Sec 8. All General Elections shall be held once every four years until otherwise directed by law, and shall commence and be held every two years on the first Monday in October until altered by law; and the elections in all cases except in case of treason, felony and breach of the peace shall be privileged from arrest during their attendance on elections and in going to and returning therefrom.

Duty of Governors.

Sec 9. The Governor shall be the chief of election for such vacancies as shall occur in either house of the General Assembly.

Sec 10. No Judge of the Superior Circuit or inferior Courts of Law or Equity, Secretary of State, Attorney or Auditor or Treasurer, Register or Recorder, Clerk of any Court, Sheriff, Surveyor, Auditor, Member of Congress, nor any other person holding any lucrative office under the United States or this State, Collector or Officer, Justices of the Peace, Post Master and Judges of the County Court, excepted, shall be eligible to a seat in either house of the General Assembly.

Sec 11. No person who is now or shall be hereafter a Collector or Holder of Public Money, nor any assistant or deputy of such holder or Collector of Public Money, shall be eligible to a seat in either house of the General Assembly, nor to any office of Trust or trust, and he shall be accounted for and paid compensation for which he may have been called.

Sec 12. The General Assembly shall take up any office of trust and profit and from the right of suffrage within this State all persons convicted of bribery, Injury or other infamous crimes.

Sec 13. Every person who shall have been convicted of directly or indirectly giving or offering any bribe to procure his election or appointment shall be disqualified from holding any office of trust or profit under this State; and any person who shall give or offer any bribe to procure the election or appointment of any person, shall be considered thereby disqualifyed from being an elector or from holding an office of trust or profit under this State.

Sec 14. No Senator or Representative shall during the term for which he shall have been elected be appointed to any civil office under this State except such as have been created or the incumbents of which shall have been increased during his continuance of office, except to such offices as shall be filled by the election of the people.

Sec 15. Each House shall appoint its own officers and shall judge of the qualifications returns and elections of its own members. Two thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

Sec 16. Each House may determine the rules of its own proceedings, punish its own members for disorderly behavior and with the concurrence of two thirds of the members elected by itself, expel a member, but no member shall be subjected a second time for the same offense. They shall each from time to time publish a journal of their proceedings except such parts as may in their opinion require Secrecy, and the yeas and nays upon any question shall be entered on the Journal at the desire of any five members.

Sec 17. The Journals of both houses when in session or in Committee of the Whole shall be kept in writing in cases which may require secrecy, and read Four times weekly and if necessary any person not a member who shall be guilty of divulging the same by any disorderly or contemptuous behavior in this instance during their session, but not an amendment shall be allowed beyond the journal and a journal of that session.

Sec 18. Bills may originate in either House, and be amended or rejected in the other; and every bill shall be read on three different days in each house, unless the third of the House where the same is pending shall assent thereto, and every bill having passed both Houses shall be signed by the President of the Senate and the Speaker of the House of Representatives.

Sec 19. Whenever an officer Civil or Military shall be appointed by the joint or concurrent acts of both Houses or by the separate acts of either House of the General Assembly the title shall be taken into view and entered on the Journal.

Sec 20. The Senators and Representatives shall in all cases except treason, felony or breach of the peace be privileged from arrest during the session of the General Assembly and for ten days before the commencement and after the termination of each session, and for any time or occasion either before or after they shall be entitled to a trial in any other place.

Sec 21. The Members of the Court of Common Pleas shall severally receive from the public Treasury compensation for their services which may be more or less diminished but no alteration of such compensation of members shall take effect during the session at which it is made.

The Manner of bringing suits against the State.

Sec 22. The General Assembly shall direct by law which Courts and in what manner suits may be commenced against the State.

Sec 23. They shall have power to pass all laws that are necessary to prohibit the introduction into this State of any Slave or Slaves who may have been born in this State or come in any other State or Territory.

Sec 22. The General Assembly shall not have power to pass any Bill of divorces but may prescribe by law the manner in which such cases shall be investigated and courts of Justice and clerks as granted.

Sec 23. The General Assembly shall have power to prohibit the introduction of any Slave or slaves for the purpose of Speculation; and in the protection of Slave for fugitives. They shall not be deprived of an impartial trial, and any Slave who is convicted of a capital offence shall suffer the same degree of punishment as would be inflicted on a free white person, and no other Court or Court of Justice than when Slaves shall be tried shall sit upon them, except for their Trial.

Sec 24. The Governor Secretary of State, Auditor Treasurer and all the Judges of the Supreme Circuit and inferior Courts of Law and Equity, and the prosecuting Attorneys for the State shall be held to an account for malpractice in their office; and judgment in such cases shall be had for such sum received from Office, and equal satisfaction shall be had for any fine or sum paid to such State. The Party impleaded, whether accused or acquitted, shall nevertheless be liable to indictment tried and punished according to law.

Sec 25. The Senate of Representatives shall have the sole power of impeachment; and all impeachments shall be tried by the Senate and a hearing sitting for the purpose. The Senators shall be in Council or Commission to do justice according to law and evidence. Other the Governor shall be tried by the Chief Justice of the Supreme Court shall preside, and no other. Shall be convened to hear the appearance of the Trials of all the Senators elected, and for treason and other which shall make sufficient ground of impeachment, the Governor shall on the joint address of two thirds of each branch of the General Assembly to meet from time to time the Judges of the Supreme and inferior Courts. Mustered. The cause or cause of removal be presented on the journals and the same be considered by the same and heard by himself and Council before the rule is finally taken and decided.

Sec 26. The appointment of all officers not otherwise directed by this Constitution shall be made in such manner as may be prescribed by law; and all Officers both Civil and Military holding under the authority of this State shall before entry on the duties of their respective offices take an oath or affirmation to support the Constitution of the United States and of this State and to remain themselves faithfully in office.

Sec 27. No County now established by law shall be reduced by the establishment of any new County or Counties less than Nine hundred square miles nor to a less population than the ratio of Representation in the House of Representatives. Nor shall any County be divided by establishing which shall contain less than Nine hundred square miles (except Washington County which may be reduced to six hundred square miles,) or a less population than twenty five thousand inhabitants.

Sec 28. The Style of the Laws of this State shall be "Be It enacted by the General Assembly of the State of Arkansas".

Sec 29. The State shall from time to time be divided into several districts, in such manner as the Senate shall be advised, so as on the first of January next inhabitants of the State, each Senator representing an equal number as nearly as practicable; and until the first Enumeration of the inhabitants is taken the Districts shall be arranged as follows: - The County of Washington shall comprise one district and elect two Senators. The Counties of Carroll, Sharp and Izard shall comprise one district and elect one Senator; The Counties of Independence and Jackson shall comprise one district and elect one Senator. The Counties of Marion and Randolph shall comprise one district and elect one Senator; The Counties of Boone and Scott shall comprise one district and elect one Senator. The Counties of Crawford and White and Poinsett shall comprise one district and elect one Senator; The Counties of St. Francis, Clark, and Pope shall comprise one district and elect one Senator; The Counties of Marion and Phillips shall comprise one district and elect one Senator; The Counties of White and Union shall comprise one district and elect one Senator; The Counties of Arkansas and Jefferson shall comprise one district and elect one Senator; The Counties of Phillips and Monroe shall comprise one district and elect one Senator; The Counties of Crittenden and Mississippi shall comprise one district and elect one Senator. And the Senate shall never consist of less than Twenty four nor more than Thirty three members; and as soon as the Senate shall meet after the first election to be held under this Constitution they shall cause the Senators to be divided by lot into two Classes. None of the first Class and eight of the second, and the seats of the first class shall be vacated at the end of two years from the time of their election, and the seats of the second class at the end of four years from the time of their election; in order that one Class of the Senators may be elected every two years.

Sec 30. An Enumeration of the inhabitants of the State shall be taken under the direction of the General Assembly on the first day of January each year, and eight hundred and thirty eight, and at the end of every four years thereafter. And the General Assembly shall fix the price of the representation of every enumeration, so as to alter and arrange the senatorial districts, that each district shall contain as nearly as practicable an equal number of inhabitants, and that the whole male inhabitants, provided that Washington County as originally population shall not be less than may according to its number elect more than one Senator; and such districts shall then remain unaltered until the time of the next Enumeration, and shall at all times consist of contiguous Territory, and no County shall be divided in the formation of a Senatorial district.

Sec 31. The rate of Representation in the Senate shall be fifteen hundred per white male in habitants, to each Senator, and the Senators amount to Sixty four in number, and when they shall be equally apportioned, upon the same basis throughout the State, in such ratio as the increase or loss of the white male inhabitants may require, without increasing the Senators to a greater number than Sixty four, yet if the population of the State amounts to One hundred thousand souls; and when an increase of Senators takes place they shall from time to time be divided by lot and elected as prescribed above.

Sec 32. The House of Representatives shall consist of not less than Fifty four nor more than One hundred Representatives, to be apportioned among the several Counties in this State according to the number of free white male inhabitants therein, taking Five hundred as the base until the number of the inhabitants amounts to Sixty four, and when they amount to Sixty four they shall not be further increased until the population of the State amounts to Two hundred thousand souls. Provided, that each County may organize, shall, although its population may not give the existing ratio, always be entitled to one Representative; and until the first Enumeration shall be taken the Representation shall be divided among the several Counties as follows: - The County of Washington shall elect six Representatives; The County of Scott shall elect five Representatives; The County of Marion shall elect five Representatives; The County of Clark shall elect four Representatives; The County of Carroll shall elect two Representatives; The County of Izard shall elect two Representatives; The County of Sharp shall elect one Representative; The County of Franklin shall elect three Representatives; The County of Jackson shall elect one Representative; The County of Clay, one Representative; The County of Marion, one Representative; The County of Randolph shall elect two Representatives; The County of White shall elect one Representative; The County of Calcasie shall elect one Representative; The County of St. Francis shall elect one Representative; The County of St. Francis shall elect one Representative; The County of Clark shall elect one Representative; The County of St. Francis

shall elect two Representatives; The County of Pottawattomie shall elect one Representative; The County of Cherokee shall elect two Representatives; The County of Franklin shall elect one Representative; The County of Logan shall elect two Representatives; The County of Marion shall elect one Representative; The County of McPherson shall elect one Representative; The County of Osage shall elect one Representative; The County of Pettis shall elect one Representative; The County of Greene shall elect one Representative; The County of Cass shall elect one Representative; The County of Mississippi shall elect one Representative; The County of Chicot shall elect two Representatives. And at the first session of the General Assembly after the return of every enumeration, the Representatives shall be equally divided and may be apportioned among the several Counties according to the number of free white males in each County as above presented.

Article of Amending the Constitution

The Ex. Mr. General Assembly may at any time propose such an amendment to this Constitution as her Friends of each Branch shall deem expedient which shall be published in all the newspapers published in this State three several times at least to the month before General Election; And if at the first session of the General Assembly after such general election the Thirds of each House shall by yeas and nays adopt such proposed amendment so that to be valid it must be passed by both Houses and become part of this Constitution; Provided that such proposed amendment shall be read on three several days in each House as well as on the same or proposed resolution they are to be rejected.

Article

Sec 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate who shall be styled The Governor of the State of Arkansas.

Sec 2. The Governor shall be elected by the qualified voters of this State and placed where they shall be most likely to be in communication.

Sec 3. The returns of every election for Governor shall be sealed up and transmitted to the Speaker of the House of Representatives who shall during the joint session of the Legislature open and publish them in the presence of both Houses of the General Assembly. The person having the highest number of votes shall be Governor for four years from the time of his election and until his successor shall be duly qualified; but shall not be eligible for more than eight years in any term of twelve years. He shall not be less than thirty years of age; a native born citizen of Arkansas or a native born citizen of the United States or a resident of Arkansas ten years previous to the adoption of this Constitution, of no other nation of the United States; and shall have been a inhabitant of the same at least four years next before his election.

Sec 4. He shall at stated times receive a compensation for his services which shall not be increased or diminished during the term for which he shall have been elected. He shall be answerable to the General Assembly for any money received from the United States or any one of them or from any foreign power.

Sec 5. He shall be Commander in chief of the Army of this State and of the Militia thereof, except when they shall be called into the Service of the United States.

Sec 6. He may require information in writing from the officers of the Executive Department on any subject relating to the duties of their respective offices.

Sec 7. He may by proclamation on extraordinary occasions convene the General Assembly at a different place, of that, those having been since their last adjournment dangerous from an enemy or from Contagious diseases. On such a disagreement between the two Houses with respect to the time of adjournment he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting of the General Assembly.

Sec 8. He shall from time to time give to the General Assembly information of the State of Government & and recommend to their consideration such measures as he may deem expedient.

Sec 9. He shall take care that the Laws be faithfully executed.

Sec 10. In all Criminal and penal cases, except those of treason and Treasonable rebellion, he shall have power to grant pardons after conviction, and such fines and forfeitures under such rules and regulations as shall be provided by law. In cases of treason he shall have power by and with the advice and consent of the Senate to grant reprieves and pardons; and he may, in the case of the Senate, adjourn the sentence until the end of the next session of the General Assembly.

Sec 11. In all Criminal and penal cases, except those of treason and Treasonable rebellion, he shall have power to grant pardons after conviction, and such fines and forfeitures under such rules and regulations as shall be provided by law. In cases of treason he shall have power by and with the advice and consent of the Senate to grant reprieves and pardons; and he may, in the case of the Senate, adjourn the sentence until the end of the next session of the General Assembly.

Sec 12. There shall be a seal of this State which shall be kept by the Governor and used by him officially; and the present seal of the Territory shall be the seal of the State until otherwise directed by the General Assembly.

Sec 13. All commissions shall bear the name, and by the authority of the State of Arkansas, be sealed with the seal of the State, signed by the Governor and attested by the Secretary of State.

Sec 14. There shall be a Secretary of State elected by a joint vote of both Houses of the General Assembly who shall continue in office during the term of four years and until his successor in office be duly qualified. He shall keep a fair Register of all the official acts and proceedings of the Legislature and shall attend, when required, lay the same and all papers, minutes and vouchers relative thereto before the General Assembly, and show wherein such other duties as may be required, by law.

Sec 15. Various trials may happen in offices the election to which is vested in the General Assembly shall be filled by the Governor during the recess of the General Assembly by granting Commissions which shall expire at the end of the next session.

Sec 16. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve he shall sign it, but if he shall not approve of it he shall return it with his objections to the House in which it shall have originated, who shall enter his objections at large upon their Journals and provide a new session for a majority of the whole number elected to that House, shall again cause to be read the bill, it shall be read as in the other House, to the other House, by which it shall be reconsidered; and if approved by a majority of the whole number elected to that House it shall be law. But in such cases the bills of both Houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be on the Journals of each House respectively. If any bill shall not be returned by the Governor within three days Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it. But if the Governor approves of the bill and returns it to the Legislature, it shall be a law in like cases it shall not be a law.

Sec 17. Every order or resolution to which the concurrence of both Houses may be necessary, or in cases of adjournments shall be presented to the Governor and before it shall take effect to be signed by him, or by any of his proxies. Shall be signed by both Houses according to the rules and limitations mentioned in the case of a bill.

Sec 18. In case of the impeachment of the Governor his removal from office death, refusal to qualify, resignation or absence from the State the President of the Senate shall exercise the authority appertaining to the office of Governor until another Governor shall be elected and duly qualified, or until the Governor absent or impeached shall return or be acquitted.

Sec 19. It shall be the duty of the Governor to Preside over the Senate, shall be impeachable from Office, unless

a good & wise, & honest Govt for the State. No. 24. That the General Assembly shall have the Government of the State for 150 days. No. 25. The President, the Senate and the House of Representatives shall have the power to elect the Governor and Vice-Governor of the State. The Governor shall have the power to declare the State in case of war, to make laws, to execute them, to command the forces of the State, & to declare martial law. The Governor shall have the power to issue a Proclamation of martial law, &c. &c. &c. Mailed such Proclamation, shall be delivered to the Executive branch of the State, or to the General Assembly, or to the State Governor, & the State Governor, or the General Assembly, or the State, may then determine the extent of his power for the time being. In case of a vacancy in the office of Governor, during his absence from the State, the State shall be divided into three districts, & the Governor of the State, or one of the three districts, shall be chosen by ballot to act in the place of the Governor, until a new election can be held. In case of a vacancy in the office of Governor, during his absence from the State, the State shall be divided into three districts, & the Governor of the State, or one of the three districts, shall be chosen by ballot to act in the place of the Governor, until a new election can be held. In case of a vacancy in the office of Governor, during his absence from the State, the State shall be divided into three districts, & the Governor of the State, or one of the three districts, shall be chosen by ballot to act in the place of the Governor, until a new election can be held.

No. 26. That the election of the Governor shall be held at the same time, & in the same manner as the election of the members of the Legislature, & the election of the Governor shall be decided by the Judges of the Supreme Court in cases where it is to be contested. No. 27. That the Governor shall always be liable to be impeached.

No. 28. No man shall hold the office of Governor and any other office or Commission Civil or Military, etc., in this State or in any other part of the United States, or any other people's Army, at the same time.

No. 29. That there shall be elected by the joint action of both Houses of the General Assembly an Auditor and Treasurer for the State, who shall hold his offices for the term of four years, and under his direction, & except for his audit and quarterly, half yearly, semi annual, and shall keep the executive offices at the Seat of Government, and perform such duties as shall be prescribed by law, and in case of vacancy by death, resigna-

tion, or otherwise, such vacancy shall be filled by the Governor as in other cases. Militia

No. 1. The Militia of this State, shall be divided into continental regiments, Brigades, Regiments and Companies, and officers of corresponding

battalions and tanks elected to command them, conforming as nearly as practicable to the general regulations of the Army of the United States.

No. 2. Major Generals shall be elected by the Brigadier Generals and Field Officers of their respective Divisions. Brigadier Generals

shall be elected by the Field Officers and Commissioners, Company Officers of their respective Brigades. Field Officers shall be elected by

the Officers and Natives of their respective Regiments, and Captains and Subaltern Officers shall be elected by those subalterns in their battalions,

duty in their respective Companies.

No. 3. The Governor shall appoint the Adjutant General and other members of his Staff, and Major Generals, Brigadier Generals

and Commandants of Regiments shall as privately appoint their own Staffs, and all commanding Officers may continue in office dur-

ing good behavior, and Staff Officers during the same time, subject to be removed by the Superior officer from whom they respectively

derived their appointment.

Article VI.

Judicial Department.

No. 1. The Judicial power of this State shall be vested in one Supreme Court or Circuit Courts or County Courts and in Justices of the Peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in Corporation Courts, and when they claim to be independent, may establish

courts of chancery.

No. 2. The Supreme Court shall be composed of three Judges, one of whom shall be styled Chief Justice, any two of whom shall constitute a quorum and the concurrence of two of said Judges shall in every cause be necessary to a decision. The Supreme Court except in cases otherwise directed by this Constitution shall have appellate jurisdiction over all trials that shall be commenced in the State, under such restrictions and regulations as may from time to time be prescribed by law. It shall have a general supervisory control over all inferior and other Courts of Law and Equity. It shall have power to issue Rules of Practice and Supervise and Control and Barber Corpus Mandamus and garnissiement and other remedial writs, and to hear and determine the same. Said Judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the above named writs.

No. 3. The Circuit Court shall have original jurisdiction in all Criminal cases which shall not otherwise be provided for by law, and in Civil Cases originating in all Criminal and Civil causes, and original jurisdiction in all other cases which shall not be cognizable before Justices of the Peace, and otherwise directed by the General Assembly, and original jurisdiction in all matters of contract where the sum in controversy is one hundred dollars. It shall be divided in such places as nearly as may be by law be directed.

No. 4. The State shall be divided into convenient circuits, each to consist of not less than five nor more than Seven Counties contiguous to each other, ten each of which a Judge shall be elected who during his continuance in office shall reside and be a conservator of the peace within the Circuits, for which he shall have his election.

No. 5. The Circuit Court shall exercise a superintending control over the County Court and over Justices of the Peace in each County in their respective Circuits, and shall have power to issue all the necessary writs to carry into effect their general and specific powers.

No. 6. A State, the General Assembly shall do every thing necessary to establish Courts of Chancery in the Circuit Courts, shall have jurisdiction in matters of equity, subject to appeal to the Supreme Court in such manner as may be prescribed by law.

No. 7. The General Assembly shall by joint action of both Houses elect the Judges of the Supreme and Circuit Courts. A majority of the whole number in joint action being necessary to a choice. The Judges of the Supreme Court shall be at least thirty years of age and they shall hold their offices for the term of eight years from the date of their Commission, immediately after such election by the General Assembly. If jointly the President of the Senate and the Speaker of the House of Representatives shall preside by lot to divide the Judges into three classes. The Commissioners of the first class shall be sworn at the end of four years, of the second class at the end of six years, and of the third class at the end of eight years, so that the third class number shall be sworn every four, six, and eight years. The Judges of the Circuit Court shall be at least twenty five years of age and shall be elected for the term of four years from the date of their Commission. The Supreme Court shall be provided with a Clerk or Clerks for the term of four years. The qualified voters of each County shall elect a Clerk of the Circuit Court for their respective Counties. He shall hold his office for the term of two years, and Courts of Chancery if any be established shall appoint their own Clerks.

No. 8. The Salaries of the Supreme and Circuit Courts shall be fixed by Statute, and receive a compensation for their services to be ascertained by law, which shall not be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office nor hold any other office or trust or profit under this State or the United States. The State's Attorneys and Clerks of the Supreme and Circuit Courts and Courts of Chancery if any such be established shall receive for their services such salaries fees and perquisites of office as shall be from time to time fixed by law.

No. 9. There shall be established in each County in the State, Courts to be held by the Justices of the Peace, and in the County Court which shall have jurisdiction in all cases relating to the collection of money for County purposes and in every other case that may be necessary to manage the internal improvement and local concerns of the said County.

Be it known to all, That I do by this instrument, annex to the State of Arkansas, a copy of

Schedule

No. 1. The expenses incurred may arise from the change of Government, in dollars, shall not exceed \$3,000,000, to be paid by the State of Arkansas, to the State of Missouri, for the expenses of the State of Missouri, in the course of her revolution, and all expenses, including those taken place, and all expenses, incurred, under the authority of the Legislature of Arkansas, previous to the adoption of the Constitution, and subsequent to the name of the State.

No. 2. All expenses, incurred in the Territory of Arkansas, which are not in agreement with this Constitution, shall remain in force until they are set aside by her own Legislature, or by the Legislature of the State.

No. 3. The first, regular, and general, according to the direction of Arkansas, No. 1, to occur to the use of the State.

No. 4. The two hundred thousand dollars, or a sum more or less, before the change of Government, shall remain unpaid, and shall never ever, be paid to the State of Arkansas, and all bonds issued, to the amount of the two hundred thousand dollars, or less, in their original quantity, shall be paid to the former or other State authority, and their successors, or their successors in interest, to pay, and make good, to the former, Maryland, and small debts which may have arisen in a like manner, before the change from a Territory to a State Government, and a civil State Government, shall be presented to judgment, and execution, in the name of the State. It shall be so far delayed, however, as may be pending in any of the courts of Record, in the State of Arkansas, which commenced, or was transferred, to any County, before the date of the adoption of the Constitution, and before the same, or any of them, shall be presented to judgment, and execution, in the name of the State. It shall be so far delayed, however, as may be pending in any of the courts of Record, in the State of Arkansas, which commenced, or was transferred, to any County, before the date of the adoption of the Constitution, and before the same, or any of them, shall be presented to judgment, and execution, in the name of the State.

No. 5. The office court, and military, now holding, comprises, three, authority of the United States, or of the Territory of Arkansas, shall continue to hold, and exercise their respective offices under, they shall be subordinate under the authority of the State.

No. 6. The first session of the General Assembly of the State of Arkansas, shall be held at the City of Little Rock, which shall remain under the State of Government, until另行 provided for by Law.

No. 7. Elections shall be held in the several counties on the first Monday, August first, for Governor, and for Representative to the Congress of the United States, also in Senators and Delegates, to the two House, namely, Clerks of the Circuit and County Courts, Sheriff, Coroners, County Surveyors and Recorders, Justices of the Peace, and Constables.

No. 8. The next General Assembly shall be held on the Second Tuesday of October, next.

No. 9. The Election, shall be conducted, according to the existing Laws of the Territory of Arkansas, and the returns of all Township Elections held in pursuance thereof, shall be made to the Clerks of the several Counties within five days after the day of Election. The Clerks of the several Counties shall immediately, after the election, certify the returns of the Election of Governor, and transmit the same, to the Speaker of the House of Representatives of the State of Government, and such time, that they may be referred to the Second Adjournment of October, next. As soon as the General Assembly shall be organized, the Speaker of the House of Representatives, and the President of the Senate, shall, in the name of the State, determine, the return, and declare, which duly elected, shall be Officer, and of any number, or person, shall have an equal number of votes, and a higher number than any other Person, the County, County, shall determine, the Election, by a few votes of the House. And the returns of elections for Senator, or Congress, shall be made to the Secretary of State, within thirty days after the day of election.

No. 10. The Office of State, may be administered, by any Judge, or Justice of the Peace, until the General Assembly shall otherwise direct.

Come in Convention at Little Rock in the State of Arkansas,
the thirtieth day of January in the year of our Lord, 1836. And in the sixtieth year
of the Independence of the United States of America.—

John Adams

W. H. Gray

John Wilson President

W. M. G. Ball

Wright M. Elliott

of the Committee and Representative from

R. W. M. Atch

Zenna Garrett

the County of Clark

Mark Bean

Geo. W. Hobson

Henry Slavery

Henry G. Reed

Malcome Fowler

Peter Smith

James Bond

George Gallahad

Wm. F. Brown

Robert Brown

Elizah Kelley

James A. Ballou

John D. Calvert

J. C. King

Timrod Menefee

John Clark

W. H. Gray

David Walker

Lorenzo N. Clarke

John S. Coffey

Isaiah N. Wilson

J. G. Conroy

Bushrod W. Lee

Sam'l C. Roan

Abra Whitney

John Cummings

Dava W. Lowe

John Robinson

James M. Webb

Antony L. Davis

Carrie L. Randy

Grandison D. Ropston

Mrs. Mt. Dickenson

G. Marshall

Charles K. Sanders

Chas. C. Bertin, Secretary

John D. Denman

J. B. Hansen

Andrew P. A.